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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,065	10/13/1999	STEFAN B. EDLUND	AM9-99-066	6940

23334 7590 06/17/2003

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EXAMINER

NGUYEN, NGA B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/417,065

Applicant(s)

EDLUND ET AL.

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on April 4, 2003, which paper has been placed of record in the file.
2. Claims 19-31 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 19-31 have been considered but are not persuasive.

In the arguments, applicant stated the actions described in claim 19 are performed by an information processing system, i.e., a computer, not a user or person. Examiner respectfully disagrees. Claim 19 recites "a method on an information processing system for purchasing products using a purchase agent", thus it can be understood that the purchasing agent (a person) is the buyer who uses the computer system to purchase products. Thus, the steps described in the claimed invention are performed by the purchasing agent (the buyer). Nowhere in the claimed invention shows that the steps are automatically performed by using a specific machine or apparatus. Therefore, examiner can apply the Ferguson reference to express the claimed invention. Ferguson reference allows the buyer using the computer system to purchase products at multiple merchant web sites. Examiner agrees with the applicant that Ferguson does not mention about an auction, but Examiner also explained that an auction web site for products or services is obvious in view of Ferguson's merchant web site. Notes that examiner already submitted the references taught the obviousness

asserted by examiner in the previous office action (Godin et al, US 5,890,138, see abstract for the feature of the user conduct an auction system to purchase products, see figure 2, step 84, for the feature of registering the buyer at one merchant website to obtain a buyer identification and password; Woolston, US 6,085,176, see column 3, lines 27-33, for the feature of searching a manufacturing resource and/or inventory planning system for a product purchase request).

In conclusion, for the reason above, examiner decides to maintain the previous rejection (see details below) and make this action FINAL.

4. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson et al, U.S. Patent No. 5,966,697.

Regarding to claim 19, Ferguson teaches the buyer purchases product at multiples merchant websites and manages a purchase based on the proceedings of another purchase. Ferguson allows the buyers visits multiples merchant websites for purchasing a product. When the buyer already selected a product at one merchant, and later the buyer find the same product that the buyer prefers at another merchant, the buyer allow to cancel the selected product (see column 4, lines 34-40). Thus, it is obvious to apply the Ferguson's concept when the merchant websites become the auction websites. The buyer always wants the lowest price for purchase a product. For example, when the buyer wants to purchase a camera, the buyer can visit many different auction websites to search for a camera with the price the buyer can afford. For example, the buyer found the camera with the price permitted at the auction websites such as auctions.yahoo.com, ebay.com, onsale.com and ubid.com, the buyer can place a bid for the camera at the selected auction websites. Because the buyer always wants the lowest price for the product, thus, for example, when the buyer win the auction at the lowest price at ubid.com, the buyer can cancel the outstanding bid at another auction websites. If the buyer is outbid at the selected auction websites, the buyer continues to visit another auction websites to obtain the buyer's need. Therefore, it would have been obvious to modify Ferguson's for the purpose of obtaining the product with the lowest price to satisfy the buyer's need by conducting the auction at the multiples merchant websites.

Moreover, it is well-known in the art to register the buyer at one merchant website to obtain a buyer identification and password. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the feature above with Ferguson's for the security purpose. In addition, it is well-known in the art for the buyer to submit a product purchase request at a search website such as yahoo.com, the buyer is provided the list of merchant websites that have the product request by the buyer. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the feature above with Ferguson's for the purpose of time consuming, the buyer does not spent time to find a product at each merchant website.

Regarding to claim 20, Ferguson further discloses wherein one or more of method steps is implemented using a personal computer (column 3, lines 32-42).

Regarding to claims 21-22, Official notice is taken that searching a manufacturing resource and/or inventory planning system for a product purchase request is old and well-known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the features above with Ferguson's for the purpose of providing the availability of the product requested to the user.

Regarding to claim 23, Ferguson further discloses merchant site is an Internet-based web merchant site (column 3, lines 38-42).

Regarding to claim 24, it is obvious to prioritize bid placement to permit only the lowest cost auction sites to be utilized in the bidding process. As discussed in claim 19, because the buyer always wants to purchase a product with the lowest price, so the buyer will choose the lowest cost auction sites to place a bid for the product. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention

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was made to include the features above with Ferguson's for the purpose of obtaining the product with lowest price by the buyer.

Claims 25-30 are written in means that are parallel the limitations found in claims 19-24, as discussed above, therefore are rejected by the same rationale.

Claim 31 is written in computer software that are parallel the limitations found in claim 19 as discussed above, therefore is rejected by the same rationale.

Conclusion

7. Claims **19-31** are rejected.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nga B. Nguyen, whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 8:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

9. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks
c/o Technology Center 3600
Washington, D.C. 20231

or faxed to:

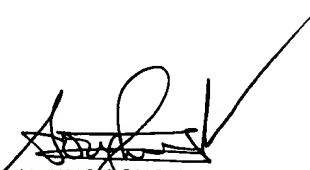
(703) 305-7687, (for formal communications intended for entry)

or:

(703) 308-3961 (for informal or draft communications, please
label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen
June 11, 2003



HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600